

Appl. No : 10/611,943 Confirmation No.: 5423
Applicant : Kerry McLellan et al.
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Title : METHOD AND SYSTEM FOR PARCEL REDIRECTION
TC./A.U. : 3627
Examiner : Fawaad Haider

Docket No. : 12620-7
Customer No. : 001059

Board of Patent Appeals and Interferences
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REPLY BRIEF

Sir:

Further to the Applicants' Appeal Brief dated December 21, 2009, and in response to the Examiner's Answer dated March 16, 2010, please maintain the present appeal in view of the arguments presented herein.

I. Status of Claims

Claims 1-21 were originally filed of which claims 2, 6, and 13-21 have since been canceled. New claims 22-29 were added and have since been canceled. Claims 1, 3-5 and 7-12 stand finally rejected, as in the Final Action dated August 19, 2009.

Applicants appeal the final rejection of claims 1, 3-5 and 7-12.

II. Grounds of Rejection to be Reviewed on Appeal

The Applicants request review of the following grounds of rejection:

1. Claims 1, 3-5 and 7-12 under 35 U.S.C. §103(a) for being unpatentable over Kuebert et al. (U.S. Published Patent Application No. 2002/0165729), in view of Myrick et al. (U.S. Published Patent Application No. 2004/0133446) as supported by U.S. Provisional Application No. 60/423,045, further in view of Ray (U.S. Published Patent Application No. 2004/0128207).

III. Argument

The arguments presented below respond to the Examiner's Answer dated March 16, 2010 (hereinafter "the Answer"), and supplement arguments made previously in the Applicant's Appeal Brief dated December 21, 2009 (hereinafter "the Appeal Brief"), the entire contents of which are herein reasserted by the Applicant.

Rejection of claims 1, 3-5 and 7-12 under 35 U.S.C. §103(a)

Claims 1, 3-5 and 7-12 stand rejected under 35 U.S.C. §103(a) for being unpatentable over Kuebert et al. (U.S. Published Patent Application No. 2002/0165729), in view of Myrick et al. (U.S. Published Patent Application No. 2004/0133446) as supported by

U.S. Provisional Application No. 60/423,045, further in view of Ray (U.S. Published Patent Application No. 2004/0128207).

The Applicants maintain that Kuebert et al., Myrick et al., and Ray, either alone or in combination, do not disclose "receiving at the mobile device a response to the notification from the recipient after a failed delivery, wherein the response to the notification is adapted to change the preferred redirection location to an alternative redirection location provided after the failed delivery, wherein the alternative redirection location is different from the primary location and the preferred redirection location" as recited in claim 1. In other words, none of the cited references, either alone or in combination, disclose receiving a message from the recipient in response a failed delivery notification wherein the message includes a new delivery location selected 'on the fly'.

The Applicants submit that nowhere in Ray is it disclosed that a message from the recipient is received at a mobile device in response to a failed delivery notification, let alone, a message that includes a new delivery location selected 'on the fly'. In the Final Action, the Examiner referred to Figures 1-4 and Paragraph [0025] of Ray as disclosing this feature. The Applicants maintain their position, as presented in the Appeal Brief, that these passages do not disclose this feature.

In Item 10 of the Answer, the Examiner cites Figures 1, 3, and 4 of Ray as disclosing sending a notification to a recipient after a failed delivery, and Paragraph [0021] as disclosing how a recipient may notify the possible senders of an address change and also discloses an alternative address, which is different from the primary location.

The Applicants submit that Paragraph [0021] of Ray does not disclose that a mobile device receives a message from the recipient in response to a failed delivery notification wherein the message specifies a new delivery location selected 'on the fly'. Paragraph [0021] simply discloses that the recipient may **pre-register** an alternate address with the delivery system operator so that when the delivery system receives a package or letter addressed to the first address the delivery system will automatically re-route or forward the message to the alternate address. Accordingly, the registration of an

alternative address with the delivery system operator described in Paragraph [0021] of Ray is not done in response to a failed delivery notification, but prior to a delivery to avoid the package being delivered to the incorrect address. As described in Paragraph [0021], this forwarding service is typically used when an individual has moved and they have not yet notified all of their contacts of their new address. This allows automatic redirection of their packages/letters to their new address until the individual has time to notify all of their contacts of their new address.

The Applicants further submit that the passages of Kuebert et al. cited by the Examiner also do not disclose receiving a message from the recipient in response to a failed delivery notification wherein the message specifies a new delivery location selected 'on the fly'. In Item 10 of the Answer, the Examiner cites Paragraphs [0011], [0017], [0022] and [0041] of Kuebert et al. as disclosing the ability to change the delivery address and receiving a notification of a failed delivery through a mobile device.

The Applicants submit that none of these passages disclose receiving a message from the recipient in response to a failed delivery notification wherein the message specifies a new delivery location selected 'on the fly'. Paragraphs [0011] and [0017] of Kuebert et al. disclose that when, a mail item, such as a parcel, is en route between the sending point and the delivery point, a notification is sent to indicate that the parcel is in transit. In response, the delivery address may be changed. Accordingly, these paragraphs disclose changing a delivery address in response to an "en route" message, not a failed delivery message.

Paragraph [0022] of Kuebert et al. simply discloses creation of a database entry for each parcel that includes a recipient information section that comprises information such as the delivery point, the recipient's name, and notification channels for communicating with the recipient, such as the recipient's phone number and email address.

With respect to Paragraph [0041] of Kuebert et al., the Applicants maintain their position, as presented in the Appeal Brief, that this paragraph does not disclose

receiving a message from the recipient in response to a failed delivery notification, wherein the message specifies a new delivery location selected 'on the fly'.

The Applicants further submit that the passages of Myrick et al. cited by the Examiner also do not disclose receiving a message from the recipient in response to a failed delivery notification, wherein the message specifies a new delivery location selected 'on the fly'. In Item 10 of the Answer, the Examiner cites paragraphs [0034], [0036], [0048] and [0059] of Myrick et al. as disclosing receiving a notification after a failed delivery, and changing the delivery location to an alternative location which is different from the primary location.

The Applicants submit that paragraphs [0034], [0036] and [0048] of Myrick et al. clearly do not disclose receiving a message from the recipient in response to a failed delivery notification wherein the message specifies a new delivery location selected 'on the fly'. Paragraphs [0034] and [0048] disclose that, after a failed delivery attempt, the package or letter may be held at an Alternative Delivery Location (ADL) and the buyer can retrieve that package from the ADL by showing appropriate identification. Accordingly, Paragraphs [0034] and [0048] do not disclose receiving a message from the recipient in response to a failed delivery notification, wherein the message includes a new delivery location selected 'on the fly'.

Paragraph [0036] discloses that when a buyer first visits the Alternative Delivery Location Service Provider (ADL SP) website, the buyer selects one or more available ADLs to which a package will be re-routed if undeliverable. Accordingly, Paragraph [0036] discloses selecting an ADL prior to delivery, not in response to a failed delivery notification. In addition, unlike the claimed method where any address can be selected as the new delivery address, Paragraph [0036] clearly discloses that the alternate delivery location in Myrick et al. can only be selected from a predetermined list of ADLs.

With respect to Paragraph [0059] of Myrick et al., the Applicants maintain their position, as presented in the Appeal Brief, that this paragraph does not disclose receiving a message from the recipient in response to a failed delivery notification, wherein the message specifies a new delivery location selected 'on the fly'.

In conclusion, the Applicants maintain that Kuebert et al., Myrick et al., and Ray, either alone or in combination, do not disclose "receiving at the mobile device a response to the notification from the recipient after a failed delivery, wherein the response to the notification is adapted to change the preferred redirection location to an alternative redirection location provided after the failed delivery, wherein the alternate redirection location is different from the primary location and the preferred redirection location" as recited in claim 1.

The Applicants submit that this feature provides an important advantage for the claimed invention. Specifically, the claimed method allows the recipient to provide a completely new delivery location in response to a failed delivery notification, thus avoiding the disadvantage of having to redirect the parcel to a previously provided alternate location which may no longer be convenient for the recipient. This is also referred to herein as providing a new delivery location 'on the fly' in response to a notification of a failed delivery.

Claims 3-5 and 7-12 each depend on claim 1 and thus the Applicants submit that claims 3-5 and 7-12 are also patentable under 35 U.S.C. §103 over the combination of Kuebert et al., Myrick et al., and Ray for at least the reasons cited with respect to claim 1.

Concluding Remarks

For all the foregoing reasons, the Applicants maintain that claims 1, 3-5 and 7-12 as pending are in condition for allowance. Consequently the Applicants request favorable reconsideration of the application.

Respectfully submitted,

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